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SENATE BILL 368

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Li di o G. Rai nal di

AN ACT

RELATING TO SCHOOLS; REQUIRING LOCAL SCHOOL BOARD APPROVAL FOR  
HIRING AND FIRING OF CERTIFIED PERSONNEL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-1-1.2 NMSA 1978 (being Laws 2003,  
Chapter 153, Section 2) is amended to read:

"22-1-1.2. LEGISLATIVE FINDINGS AND PURPOSE. --

A. The legislature finds that no education system  
can be sufficient for the education of all children unless it  
is founded on the sound principle that every child can learn  
and succeed, and the system must meet the needs of all children  
by recognizing that student success for every child is the  
fundamental goal.

B. The legislature finds further that the key to  
student success in New Mexico is to have a multicultural

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1 education system that:

2 (1) attracts and retains quality and diverse  
3 teachers to teach New Mexico's multicultural student  
4 population;

5 (2) holds teachers, students, schools, school  
6 districts and the state accountable;

7 (3) integrates the cultural strengths of its  
8 diverse student population into the curriculum with high  
9 expectations for all students;

10 (4) recognizes that cultural diversity in the  
11 state presents special challenges for policymakers,  
12 administrators, teachers and students; and

13 (5) elevates the importance of public  
14 education in the state by clarifying the governance structure  
15 at different levels.

16 C. The legislature finds further that the teacher  
17 shortage in this country has affected the ability of New Mexico  
18 to compete for the best teachers, and that unless the state and  
19 school districts find ways to mentor beginning teachers,  
20 intervene with teachers while they still show promise, improve  
21 the job satisfaction of quality teachers and elevate the  
22 teaching profession by shifting to a professional educator  
23 licensing and salary system, public schools will be unable to  
24 recruit and retain the highest quality teachers in the teaching  
25 profession in New Mexico.

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1           D. The legislature finds further that a well-  
2 designed, well-implemented and well-maintained assessment and  
3 accountability system is the linchpin of public school reform  
4 and must ensure that:

5                   (1) students who do not meet or exceed  
6 expectations will be given individual attention and assistance  
7 through extended learning programs and individualized tutoring;

8                   (2) teachers who do not meet performance  
9 standards must improve their skills or they will not continue  
10 to be employed as teachers;

11                   (3) public schools make adequate yearly  
12 progress toward educational excellence; and

13                   (4) school districts and the state are  
14 prepared to actively intervene and improve failing public  
15 schools.

16           E. The legislature finds further that improving  
17 children's reading and writing abilities and literacy must  
18 remain a priority of the state.

19           F. The legislature finds further that the public  
20 school governance structure needs to change to provide  
21 accountability from the bottom up instead of from the top down.  
22 Each school principal, with the help of school councils made up  
23 of parents and teachers, must be the instructional leader in  
24 the public school, motivating and holding accountable both  
25 teachers and students. Each local superintendent must function

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1 as the school district's chief executive officer and have  
2 responsibility for the day-to-day operations of the school  
3 district, including personnel, except for certified personnel  
4 whose hiring and firing shall be approved or disapproved by the  
5 local school board, and student disciplinary decisions.

6 G. It is the purpose of this [2003] public school  
7 reform legislation to provide the framework to implement the  
8 legislative findings to ensure student success in New Mexico."

9 Section 2. Section 22-5-4 NMSA 1978 (being Laws 1967,  
10 Chapter 16, Section 28, as amended) is amended to read:

11 "22-5-4. LOCAL SCHOOL BOARDS--POWERS--DUTIES.--A local  
12 school board shall have the following powers or duties:

13 A. subject to the rules of the department, develop  
14 educational policies for the school district;

15 B. employ a local superintendent for the school  
16 district, [and] fix [his] the superintendent's salary, and  
17 review, approve or reject the superintendent's hiring and  
18 firing decisions for certified personnel;

19 C. review and approve the school district budget;

20 D. acquire, lease and dispose of property;

21 E. have the capacity to sue and be sued;

22 F. acquire property by eminent domain pursuant to  
23 the procedures provided in the Eminent Domain Code;

24 G. issue general obligation bonds of the school  
25 district;

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1           H. provide for the repair of and maintain all  
2 property belonging to the school district;

3           I. for good cause and upon order of the district  
4 court, subpoena witnesses and documents in connection with a  
5 hearing concerning any powers or duties of the local school  
6 board;

7           J. except for expenditures for salaries, contract  
8 for the expenditure of money according to the provisions of the  
9 Procurement Code;

10          K. adopt rules pertaining to the administration of  
11 all powers or duties of the local school board;

12          L. accept or reject any charitable gift, grant,  
13 devise or bequest. The particular gift, grant, devise or  
14 bequest accepted shall be considered an asset of the school  
15 district or the public school to which it is given;

16          M offer and, upon compliance with the conditions  
17 of such offer, pay rewards for information leading to the  
18 arrest and conviction or other appropriate disciplinary  
19 disposition by the courts or juvenile authorities of offenders  
20 in case of theft, defacement or destruction of school district  
21 property. All such rewards shall be paid from school district  
22 funds in accordance with rules promulgated by the department;  
23 and

24          N. give prior approval for any educational program  
25 in a public school in the school district that is to be

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1 conducted, sponsored, carried on or caused to be carried on by  
2 a private organization or agency. "

3 Section 3. Section 22-5-14 NMSA 1978 (being Laws 2003,  
4 Chapter 153, Section 25) is amended to read:

5 "22-5-14. LOCAL SUPERINTENDENT-- POWERS AND DUTIES. --

6 A. The local superintendent is the chief executive  
7 officer of the school district.

8 B. The local superintendent shall:

9 (1) carry out the educational policies and  
10 rules of the state board and local school board;

11 (2) administer and supervise the school  
12 district;

13 (3) employ, fix the salaries of, assign,  
14 terminate or discharge all employees of the school district,  
15 except for certified personnel whose hiring or firing shall be  
16 approved or rejected by the local school board;

17 (4) prepare the school district budget based  
18 on public schools' recommendations for review and approval by  
19 the local school board and the department. The local  
20 superintendent shall tell each school principal the approximate  
21 amount of money that may be available for his school and  
22 provide a school budget template to use in making school budget  
23 recommendations; and

24 (5) perform other duties as required by law,  
25 the department or the local school board.

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1 C. The local superintendent may apply to the state  
2 board for a waiver of certain provisions of the Public School  
3 Code relating to length of school day, staffing patterns,  
4 subject area or the purchase of instructional materials for the  
5 purpose of implementing a collaborative school improvement  
6 program for an individual public school. "

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